

1 BEFORE THE  
2 COMMISSION ON STATE MANDATES  
3 STATE OF CALIFORNIA  
4

5  
6 RECONSIDERATION OF PRIOR BOARD OF  
CONTROL DECISION ON:

7 Statutes 1980, Chapter 1143  
8 Claim No. 3929

9 Directed by Statutes 2004,  
10 Chapter 227, Sections 109-110  
(Sen. Bill No. 1102)

11 Effective August 16, 2004  
12  
13  
14  
15

Case No. 04-RL-3929-05

***Regional Housing Needs  
Determination-Councils of  
Governments***

**DECLARATION OF PATRICIA J.  
CHEN IN SUPPORT OF REBUTTAL  
BRIEF OF SOUTHERN  
CALIFORNIA ASSOCIATION OF  
GOVERNMENTS, SACRAMENTO  
AREA COUNCIL OF  
GOVERNMENTS, ASSOCIATION OF  
BAY AREA GOVERNMENTS,  
CALIFORNIA ASSOCIATION OF  
COUNCILS OF GOVERNMENTS,  
AND SAN DIEGO ASSOCIATION  
OF GOVERNMENTS**

HEARING DATE: March 31, 2005

16  
17 I, Patricia J. Chen, hereby declare as follows:

18 1. I am an attorney at law duly licensed to practice  
19 before the courts of the State of California. I am the attorney  
20 for Plaintiff Southern California Association of Governments  
21 ("SCAG") in this action.

22 2. Attached hereto as Exhibit "A" is a true and correct  
23 copy of SCAG's Joint Powers Agreement filed on April 20, 1973.

24 3. Attached hereto as Exhibit "B" is a true and correct  
25 copy of the Bylaws for The Southern California Association of  
26 Governments as amended on May 6, 2004 General Assembly.  
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I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on January 10, 2005, at Los Angeles, California.

  
\_\_\_\_\_  
Patricia J. Chen



INITIAL NOTICE TO THE SECRETARY OF STATE  
AS TO A JOINT POWERS AGREEMENT

Notice is hereby given to the Secretary of State pursuant to Sections 6503.5 or 6503.7 of the Government Code as to the existence of a joint powers agreement providing for the creation of an agency or entity which is separate from the parties to the agreement and is responsible for the administration of the agreements. The following information as to the agreement is set forth:

(Office Use Only)
JOINT POWERS AGREEMENT
FILE NO. <u>113</u>
ENDORSED FILED
In the Office of the Secretary of State of the State of California
<u>APR 20 1973</u>
EDWARD G. BRENNAN Jr., Secretary of State
By JAMES E. HARRIS
Deputy (File Stamp)

(u) The public agencies parties to the agreement are:

- (1) see attached list
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

(If more space is needed, type "continued" in (4) and attach a separate sheet to this form).

(b) The name of the agency or entity created under the agreement and responsible for the administration of the agreement is: Southern California Association of Governments

Mailing Address: Southern California Association of Governments  
1111 W. 6th St. Suite 400, Los Angeles, California 90017

(c) The date upon which the agreement became effective is: \_\_\_\_\_

(d) A condensed statement as to the purpose of the agreement or the powers to be exercised is: To provide a forum for discussion, study and development  
of recommendations on regional problems of mutual interest and concern  
regarding the orderly physical development of the Southern California  
Region.

(e) Amendments, if any, state brief description: None

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(f) The short title of the agreement, if any, is: None

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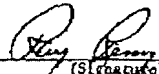
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 (Signature)

HAY REMY, Executive Director  
 (Type name and title of signer)

INSTRUCTIONS:

1. Mail this form to Secretary of State, 111 Capitol Mall, Sacramento, California 95814.
2. Include a remittance payable to "Secretary of State" for filing fee of \$5.00.
3. If additional copies of this form are sent with the original, the copies will be file-stamped and returned without additional charge.
4. Do not attach a copy of the Agreement and/or Amendments of the Agreement.

## **SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS AGREEMENT**

**THIS AGREEMENT is made and entered into by and between the county and city governments which on its effective date are, or thereafter become signatories hereto:**

**WITNESSETH:**

**WHEREAS, there is a demonstrated need for the establishment of an association of county and city governments within the southern California area to provide a forum for discussion and study of regional problems of mutual interest and concern to the counties and cities, and to facilitate the development of recommendations for the solution of such problems; and**

**WHEREAS, Title I, Division 7, Chapter 5 of the Government Code of the State of California authorizes the joint exercise by agreement of two or more public agencies of any power common to them; and**

**WHEREAS, the parties hereto possess in common the power to study, discuss and recommend policies and procedures for the solution of area-wide problems of direct concern to the performance of their constitutional and statutory functions and to join associations and expend public funds for these purposes; and**

**NOW, THEREFORE, in consideration of the execution of this agreement by other counties and cities eligible to membership in the association established hereby, the parties hereto agree as follows:**

- 1. Association Established. An association consisting of the parties to this agreement is hereby established to be known as the Southern California Association of Governments. The association shall be subject to and shall be governed by the By-laws, a copy of which is attached hereto and by this reference made a part of this agreement.**
- 2. Parties, Eligibility. Only those counties and cities eligible for membership in the Southern California Association of Governments pursuant to said By-Laws may be or become parties to this agreement.**
- 3. Parties Become Members. Each party to this agreement is a member of the Southern California Association of Governments and is entitled to the fights and privileges and is subject to the obligations of members, all as provided for in said By-Laws.**
- 4. Additional Parties. If the By-Laws of the association are amended as therein provided to permit additional counties or additional cities to be eligible for membership in the association, such additional counties or cities may become parties to this agreement.**
- 5. Parties, Termination. Any party to this agreement may cease to be a party hereto and may withdraw from membership in the association by the adoption by its legislative body of a resolution of intention to withdraw and by giving the executive director of the association**

and the other parties to this agreement written notice of its intention to withdraw at least thirty (30) days before the effective date thereof. Any party to this agreement which fails to pay any assessment or dues as provided for in the By-Laws shall be considered to have withdrawn from the association and shall cease to be a party hereto. If at any time after the effective date of this agreement fewer than fifty percent (50%) of the eligible counties or fewer than fifty percent (50%) of the eligible cities are parties to this agreement, this agreement shall terminate.

6. Agency to Administer Agreement. The Association established by this agreement shall be the agency to administer this agreement.
7. Powers of Association. The Association shall have the power, in its own name, to make and enter into contracts, to employ agents and employees, to acquire, hold and dispose of property, real and personal, to sue and be sued in its own name, and to incur debts, liabilities or obligations necessary for the accomplishment of the purposes of this agreement. However, the debts, liabilities and obligations of the association shall not constitute any debt, liability or obligation of any of the public agencies who are parties to this agreement. The Treasury of the County of Los Angeles shall be the depository of the funds of the Association and the Treasurer of the County of Los Angeles shall be the ex-officio treasurer of the Association. The Auditor Controller of the County of Los Angeles shall be the disbursing officer of the Association and shall draw warrants against the funds of the Association in the treasury when the demands are approved by the President, Vice President, or Secretary-Treasurer of the Association, or such other persons as may be specifically designated for that purpose in the By-Laws.
8. First Budget. Notwithstanding the provisions of Section B of Article VIII of said By-Laws, the budget for the remainder of the fiscal year ending June 30, 1966, shall be adopted at the first meeting of the General Assembly and the assessments for said period shall be based thereon.
9. Amendment. This agreement may be amended at any time by the written agreement of all parties to it.
10. Duration of Agreement. This agreement shall continue in effect until it is rescinded by mutual consent of the parties or terminated in the manner provided herein or in the By-Laws.
11. Disposition of Assets of Termination. Upon termination of this agreement any money or assets in possession of the association after the payment of all liabilities, costs, expenses, and charges validly incurred under this agreement shall be returned to the parties in proportion to their contributions determined as of the time of termination.
12. Effective Date of Agreement. This agreement shall be effective upon its execution by fifty percent of the eligible cities.

Executed by the undersigned cities and counties upon the respective dates set forth after their signatures.

**BY:**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**ATTEST:**

\_\_\_\_\_

December 3, 1991 DJ



Southern California Association of Governments

Member Counties

Imperial  
Los Angeles  
Orange  
Riverside  
San Bernardino  
Ventura

Member Cities

Adelanto (S.B. Cnty)	Camarillo (Vent. Cnty)
Alhambra (L.A. Cnty)	Carson (L.A. Cnty)
Arcadia (L.A. Cnty)	Cerritos (L.A. Cnty)
Artesia (L.A. Cnty)	Chino (S.B. Cnty)
Avalon (L.A. Cnty)	Claremont (L.A. Cnty)
Azusa (L.A. Cnty)	Coachella (Rivsd. Cnty)
Baldwin Park (L.A. Cnty)	Colton (S.B. Cnty)
Barstow (S.B. Cnty)	Commerce (L.A. Cnty)
Bell (L.A. Cnty)	Compton (L.A. Cnty)
Bellflower (L.A. Cnty)	Corona (Rivsd. Cnty)
Bell Gardens (L.A. Cnty)	Culver City (L.A. Cnty)
Beverly Hills (L.A. Cnty)	Cypress (Org. Cnty)
Blythe (Rivsd. Cnty)	Desert Hot Springs (Rivsd. Cnty)
Brawley (Imp. Cnty)	Duarte (L.A. Cnty)
area (Org. Cnty)	El Centro (Imp. Cnty)
Buena Park (Org. Cnty)	Elsinore (Rivsd. Cnty)
Burbank (L.A. Cnty)	Fillmore (Vent. Cnty)
Calexico (Imp. Cnty)	Foncana (S.B. Cnty)
Calipatria (Imp. Cnty)	Fountain Valley (Org. Cnty)

Member Cities Cont.

Page 2

Fullerton (Org. Cnty)  
Garden Grove (Org. Cnty)  
Glendora (L.A. Cnty)  
Hawthorne (L.A. Cnty)  
Hemet (Rivsd. Cnty)  
Hermosa Beach (L.A. Cnty)  
Holtville (Imp. Cnty)  
Huntington Beach (Org. Cnty)  
Indio (Rivsd. Cnty)  
Imperial (Imp. Cnty)  
Inglewood (L.A. Cnty)  
Laguna Beach (Org. Cnty)  
La Habra (Org. Cnty)  
Lakewood (L.A. Cnty)  
  
La Palma (Org. Cnty)  
La Verne (L.A. Cnty)  
Loma Linda (S.B. Cnty)  
Long Beach (L.A. Cnty)  
Los Alamitos (Org. Cnty)  
Los Angeles (L.A. Cnty)  
Manhattan Beach (L.A. Cnty)  
Monrovia (L.A. Cnty)  
Montclair (S.B. Cnty)  
Montebello (L.A. Cnty)  
Monterey Park (L.A. Cnty)  
Newport Beach (Org. Cnty)

Norco (Rivsd. Cnty)  
NORWALK (L.A. Cnty) - joined 2/1/72  
Ojai (Vent. Cnty)  
Ontario (S.B. Cnty)  
ORANGE (ORANGE CO.) - joined 5/26/73  
Oxnard (Vent. Cnty)

Palmdale (L.A. Cnty)  
Palm Springs (Rivsd. Cnty)  
Paramount (L.A. Cnty)  
Pasadena (L.A. Cnty)  
Perris (Rivsd. Cnty)  
Pico Rivera (L.A. Cnty)  
Placentia (Org. Cnty)  
Pomona (L.A. Cnty)  
Port Hueneme (Vent. Cnty)  
Redlands (S.B. Cnty)  
Redondo Beach (L.A. Cnty)  
Rialto (S.B. Cnty)  
Riverside (Rivsd. Cnty)  
Rolling Hills (L.A. Cnty),  
Rolling Hills Estates (L.A. Cnty)  
Rosemead (L.A. Cnty)  
San Bernardino (S.B. Cnty)  
San Clemente (Org. Cnty)  
San Dimas (L.A. Cnty)  
San Fernando (L.A. Cnty)  
San Gabriel (L.A. Cnty)  
Santa Ana (Org. Cnty)  
Santa Fe Springs (L.A. Cnty) -

Member Cities Cont.  
Page 3

Santa Monica (L.A. Cnty)

Santa Paula (Vent. Cnty)

Seal Beach (Org. Cnty)

Sierra Madre (L.A. Cnty)

Signal Hill (L.A. Cnty)

Simi Valley (Vent. Cnty)

South El Monte (L.A. Cnty)

Stanton (Org. Cnty)

Temple City (L.A. Cnty)

Thousand Oaks (Vent. Cnty)

Torrance (L.A. Cnty)

Upland (S.B. Cnty)

Ventura (Vent. Cnty)

Victorville (S.B. Cnty)

West Covina (L.A. Cnty)

Westminster (Org. Cnty)

Yarba Linda (Org. Cnty) - joined 8/2/71

8-17-71

## SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS AGREEMENT

THIS AGREEMENT is made and entered into by and between the county and city governments which on its effective date are, or thereafter become signatories hereto;

### WITNESSETH:

WHEREAS, there is a demonstrated need for the establishment of an association of county and city governments within the Southern California Area to provide a forum for discussion and study of regional problems of mutual interest and concern to the counties and cities, and to facilitate the development of recommendations for the solution of such problems; and

WHEREAS, Title I, Division 7, Chapter 5 of the Government Code of the State of California authorizes the joint exercise by agreement of two or more public agencies of any power common to them; and

WHEREAS, the parties hereto possess in common the power to study, discuss and recommend policies and procedures for the solution of area-wide problems of direct concern to the performance of their constitutional and statutory functions and to join associations and expend public funds for these purposes; and

NOW, THEREFORE, in consideration of the execution of this agreement by other counties and cities eligible to membership in the association established hereby, the parties hereto agree as follows:

1. Association Established. An association consisting of the parties to this agreement is hereby established to be known as Southern California Association of Governments. The association shall be subject to and shall be governed by the By-laws, a copy of which is attached hereto and by this reference made a part of this agreement.

2. Parties. Eligibility. Only those counties and cities eligible for membership in the Southern California Association of Governments pursuant to said By-laws may be or become parties to this agreement.

3. Parties Become Members. Each party to this agreement is a member of the Southern California Association of Governments and is entitled to the rights and privileges and is subject to the obligations of members, all as provided for in said By-laws.

4. Additional Parties. If the By-laws of the association are amended as therein provided to permit additional counties or additional cities to be eligible for membership in the association, such additional counties or cities may become parties to this agreement.

5. Parties. Termination. Any party to this agreement may cease to be a party hereto and may withdraw from membership in the association by the adoption by its legislative body of a resolution of intention to withdraw and by giving the executive director of the association and the other parties to this agreement written notice of its intention to withdraw at least thirty (30) days before the effective date thereof. Any party to this agreement which fails to pay any assessment or dues as provided for in the By-laws shall be considered to have withdrawn from the association and shall cease to be a party hereto. If at any time after the effective date of this agreement fewer than fifty percent (50%) of the eligible counties or fewer than fifty percent of the eligible cities are parties to this agreement, this agreement shall terminate.

6. Agency to Administer Agreement. The association established by this agreement shall be the agency to administer this agreement.

7. Powers of Association. The Association shall have the power, in its own name, to make and enter into contracts, to employ agents and employees, to acquire, hold and dispose of property, real and personal, to sue and be sued in its own name, and to incur debts, liabilities or obligations necessary for the accomplishment of the purposes of this agreement. However, the debts, liabilities and obligations of the association shall not constitute any debt, liability or obligation of any of the public agencies who are parties to this agreement. The Treasury of the County of Los Angeles shall be the depository of the funds of the Association and the Treasurer of the County of Los Angeles shall be the ex-officio treasurer of the association. The Auditor-Controller of the County of Los Angeles shall be the disbursing officer of the Association and shall draw warrants against the funds of the association in the treasury when the demands are approved by the President, Vice President, or Secretary-Treasurer of the association, or such other persons as may be specifically designated for that purpose in the By-laws.

8. First Budget. Notwithstanding the provisions of Section E of Article VIII of said By-laws, the budget for the remainder of the fiscal year ending June 30, 1966, shall be adopted at the first meeting of the General Assembly and the assessments for said period shall be based thereon.

9. Amendment. This agreement may be amended at any time by the written agreement of all parties to it.

10. Duration of Agreement. This agreement shall continue in effect until it is rescinded by mutual consent of the parties or terminated in the manner provided herein or in the By-laws.

11. Disposition of Assets of Termination. Upon termination of this agreement any money or assets in possession of the association after the payment of all liabilities, costs, expenses, and charges validly incurred under this agreement shall be returned to the parties in proportion to their contributions determined as of the time of termination.

12. Effective Date of Agreement. This agreement shall be effective upon its execution by fifty percent of the eligible counties and fifty percent of the eligible cities.

Executed by the undersigned cities and counties upon the respective dates set forth after their signatures.

BY \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_



## **BYLAWS**

### **THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS**

#### **Preamble**

The Southern California Association of Governments (Southern California Association of Local Governments) is an agency voluntarily established by its members pursuant to the Joint Exercise of Powers Act for the purpose of providing a forum for discussion, study and development of recommendations on regional problems of mutual interest and concern regarding the orderly physical development of the Southern California Region among units of local government.

#### **ARTICLE I- FUNCTIONS**

The functions of the Association are:

- A. Exchange of objective planning information. Making available to members, plans and planning studies, completed or proposed by local governments, or those of State or Federal agencies, which would affect local governments.
- B. Identification and study of problems requiring objective planning by jurisdictions in more than one county in the Southern California area, and the making of appropriate policy or action recommendations.
- C. Review and/or develop governmental proposals. Review and/or develop proposals creating agencies of regional scope, and the making of appropriate policy or action recommendations concerning the need for such units or agencies.
- D. Consider questions of mutual interest and concern to county and city members of the Association and may develop policy and action recommendations of an advisory nature only.
- E. Act upon any matter to the extent and in the manner required, permitted or authorized by the joint powers agreements, State or Federal law, or the regulations adopted pursuant to any such law.
- F. To assist local Agency members in the acquisition of real and personal property convenient or necessary for the operation of members by entering into such financing agreements as are necessary to accomplish the pooling and common marketing of such agreements or certificates of participation in order to reduce the cost to members of the acquisition of such real or personal property.

#### **ARTICLE II- DEFINITIONS**

- A. **Association:** The Association, as used in these Bylaws, means the Southern California Association of Governments as established by these Bylaws.

- B. **General Assembly**, as used in these Bylaws, means a meeting of the official representatives of the members of the Association.
- C. **Official Representative**, as used in these Bylaws, means either the mayor or a member of the legislative body of each member city, and either the chair of the Board of Supervisors or a member of the legislative body of the member county as their official representative.
- D. **Alternate**, as used in these Bylaws, means either the mayor or a member of the legislative body of each member city, and either the chair of the Board of Supervisors or a member of the legislative body of the member county as their alternate to serve in an official capacity only in the absence of the official representative of the member county.

### **ARTICLE III- MEMBERSHIP AND REPRESENTATION** **FOR THE GENERAL ASSEMBLY**

#### **A. Membership**

- (1) All cities and all counties within the area of the counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura and Imperial are eligible for membership in the Association.
- (2) Each member county and each member city shall have one official representative and one alternate in the General Assembly, except that the City of Los Angeles, if and while it is a member city, shall have three official representatives and three alternates.
- (3) Membership shall be contingent upon the execution of the joint Powers Agreement and the payment by each county or city of each annual assessment. In the event a county or city has not paid the annual dues assessment by October 1 of the July 1-June 30 Fiscal Year, its General Assembly Representative(s) shall serve in an Ex-Officio status, without the right to vote. Failure to pay the annual dues assessment by January 30 of the July 1-June 30 Fiscal Year shall be deemed to be an automatic withdrawal from membership.
- (4) Special districts which are significantly involved in regional problems or the boundaries of which include territory in more than one county, shall be eligible for advisory membership in the Association. The representatives of any such advisory member may participate in the work of committees of the Association.

#### **B. Representation in the General Assembly**

- (1) Only the official representative or alternates present shall represent a member in the General Assembly, provided, however, that a member of the Board of Supervisors of a member county may participate in the discussion of the General Assembly.



- (2) The official representative of each city shall be their respective Regional Council member, in the event that the City does not have a Regional Council member then the official representative or alternate for such city shall be designated by the city council, provided that if and while the City of Los Angeles is a member city, the mayor shall be one of its official representatives
- (3) Names of official representatives and alternates shall be communicated in writing to the Association by the appointing city or county 45 days before the annual meeting of the General Assembly.
- (4) Official representatives or alternates shall serve at the General Assembly until a successor is appointed, except if an official representative or alternate ceases to be a member of the legislative body or mayor of the city or county appointing then the seat shall be vacant until a successor is appointed.

#### **ARTICLE IV- GENERAL ASSEMBLY**

##### **A. Powers and Functions**

Subject to Article I, the powers of the General Assembly, shall include:

- (1) The determination of policy matters for the Association.
- (2) Any official representative may, at any meeting of the General Assembly, propose a subject(s) for study by the Association provided that the representative has notified the President of the proposal forty-five days in advance of the meeting date of the General Assembly. The General Assembly may determine whether a study will be made of the subject(s) proposed, or may refer such subject(s) to the Regional Council.
- (3) Any official representative may, at any meeting of the General Assembly, request review by the General Assembly of any action of the Regional Council, which has been taken between meetings of the General Assembly.
- (4) At its annual meeting, the General Assembly shall review the proposed budget and assessment schedule and shall adopt an annual budget and an assessment schedule.
- (5) Any official representative who desires to propose any policy matter for determination by the General Assembly shall submit the matter to the Regional Council in the form of a proposed resolution at least forty-five (45) days prior to any regular meeting of the General Assembly. The President shall recommend and the Regional Council shall appoint a Resolutions Committee to consider each such resolution and submit its recommendation for action to the General Assembly. A copy of each such proposed resolution together with the Resolutions Committee's recommendations thereon, shall be included in the agenda materials for each regular meeting of the General Assembly. If a resolution is presented directly to the General Assembly, a two-thirds vote of the General Assembly in

compliance with the criteria of Government Code sections 54950 et seq. shall be required for its consideration.

**B. Meetings**

- (1) A regular meeting of the General Assembly shall be held once a year. Special meetings of the General Assembly may be called by the Regional Council upon written request of 15 member cities and 3 member counties. Ten days' written notice of a special meeting shall be given to the official representatives and alternates of each member city and to each member of the Board of Supervisors of each member county. An agenda specifying the subject of the special meeting shall accompany the notice.
- (2) The time, date and location for meetings of the General Assembly shall be determined by the Regional Council.
- (3) Notice of the regular meeting of the General Assembly shall be given to the official representatives and alternates of each member city, and to each member of the Board of Supervisors of each member county at least 30 days prior to each meeting. **An** agenda for the meeting shall accompany the notice. Notice of any changes to the agenda shall be given at least 10 days prior to the meeting.
- (4) Association committees shall meet on the call of their Chair or as otherwise provided herein.
- (5) The General Assembly may adopt rules for its own procedure.

**C. Voting in the General Assembly shall be conducted in the following manner:**

- (1) A quorum of the General Assembly shall consist of official representation from one-third of the member cities and one-third of the member counties.
- (2) Each official county representative and each official city representative shall have one vote. Votes shall be tabulated separately for county representatives and for city representatives upon the request of one member or alternate of the county representatives only when one-half (1/2) of the county representatives are present or upon the request of one member or alternate of the city representatives only when one-third (1/3) of the city representatives are present. If the votes are tabulated separately, the affirmative votes of a majority of a quorum of both city and county representatives are required. In the absence of the official representative, the alternate shall be entitled to vote.
- (3) Voting may be by voice, displaying voting cards or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

## **ARTICLE V- REGIONAL COUNCIL**

**Preamble:** The Regional Council of the Association shall include members from cities and counties in the Association's region.

**A.** There shall be a Regional Council of the Association which shall be organized as set forth below and which shall be responsible for such functions as are hereinafter set forth:

- (1) **Membership:** The membership of the Regional Council shall be comprised of one (1) representative from each member county Board of Supervisors, except the County of Los Angeles which shall have two (2) representatives, one (1) representative from each District (as defined below), and the Mayor of the City of Los Angeles serving as the Los Angeles City At-Large Representative.
- (a) **Districts:** For purposes of representation on the Regional Council, Districts shall be organized and defined as follows:
  - (1) A District shall be established by the Regional Council and be comprised of a group of cities that have a geographic community of interest and have approximately equal population . A District may be comprised of cities within different counties, but Districts established by subregions under subsection (a)(5) or (a)(6) shall include only cities within the boundaries of such subregions.
  - (2) The Regional Council shall review and if it deems necessary, establish district boundaries every five (5) years, based upon city population data as most recently available from the State Department of Finance. The Regional Council shall review the district boundaries in 2004 and thereafter in every year ending in 3 or 8.
  - (3) Notwithstanding any other provisions of these Bylaws, in the event that upon review of the Districts by the Regional Council in 2004, District representation is changed, then those impacted districts shall hold a special election no later than two months after final action by the Regional Council to elect their representative who shall serve for a term established by the Regional Council. Such elections shall be held in accordance with the procedures established in Article V(a)(1)(b)(1)-(4) and (6) and with regard to subregions in accordance with Article V (a)(c)(1)(5) and (7).
  - (4) If a new city within the Association's region is incorporated after Districts have been established, the newly incorporated city shall be assigned by the Regional Council in consultation with the subregion, to a District with other cities with which it has contiguous borders until such time as Districts are again established by the Regional Council.

- (5) In any area where a subregional organization has been formally established under a joint powers agreement pursuant to California Government Code Sections 6500 et. seq. for general planning purposes such as for the purpose of: conducting studies and projects designed to improve and coordinate the common governmental responsibilities and services on an area-wide and regional basis, exploring areas of intergovernmental cooperation and coordination of governmental programs and providing recommendations and solutions to problems of common and general concern through the establishment of an association of governments, and where such subregional organization serves as the subregional planning agency for the general purpose local governments and is not a single-purpose joint powers authority and or other such special district entity, the applicable subregional organization shall make recommendations to establish a District (or Districts) within the boundaries of such subregional area. For purposes of establishing Districts, the subregional organization shall use the definition of District as set forth in subsection (1) above. The subregional organization shall have authority to make recommendations to the Regional Council to establish Districts every five (5) years and shall use city populations as most recently determined by the State Department of Finance. If a new city within the subregional area is incorporated after Districts have been established, the newly incorporated city shall be assigned to a District in accordance with Article V (A)(1)(a)(4) until such time as Districts are again established as provided for in this section.)
- (6) In any area where a subregional organization has been recognized by action of the Regional Council as a participant in the Regional Comprehensive Plan planning process and is organized for general planning purposes of such as for the purpose of: conducting studies and projects designed to improve and coordinate the common governmental responsibilities and services on an area-wide and regional basis, exploring areas of intergovernmental cooperation and coordination of governmental programs and providing recommendations and solutions to problems of common and general concern, the applicable subregional organization shall make recommendations to establish a District (or Districts) within the boundaries of such subregional area. The subregional organization shall use the definition of District as set forth in subsection (1) above, The subregional organization shall have authority to make recommendations to the Regional Council every five (5) years and shall use city populations as most recently determined by the State Department of Finance. If a new city within the subregional area is incorporated after Districts have been established, the newly incorporated city shall be assigned to a

District in accordance with Article V(A)(1)(a)(3) until such time as Districts are again established as provided for in this section.

The Regional Council shall establish a maximum of sixty-seven (67) districts.

- (b) **District Representative Election Procedures:** Upon establishment of Districts by the Regional Council, an election of a District representative for each District shall be held as set forth below.

- (1) For purposes of this subsection (b), a quorum shall be recorded votes from at least two-thirds (2/3) of the SCAG City Members in each District.
- (2) District representative elections shall take place not later than one (1) month prior to the annual General Assembly meeting for applicable District election years or as otherwise set forth by the Regional Council.
- (3) District representatives for each District shall be elected by their peers from among locally elected city council members of cities who are members of SCAG within a District by a majority vote of a quorum. The District shall conduct the election and tabulate the results of said election at regular meetings of formally or informally constituted local government associations, division meetings of the League of California Cities and/or special meetings requested by all, SCAG Member Cities within a District. Notwithstanding the above, in the event one or more SCAG Member Cities in a District are located a substantial distance from the location where the election is to take place, the SCAG Member Cities in the District may permit one or more SCAG Member Cities to participate in such election by video teleconferencing or other telephonic means pursuant to procedures adopted by the Regional Council.

- (c) **Regional Council Representation**

- (1) There shall be a minimum of one (1) District representative for all of the cities within each county in the Association.
- (2) Any Regional Council member representing a member city in a single City District or county which has not yet paid its annual dues assessment by October 1 of the July 1 - June 30 Fiscal Year shall be granted Ex-Officio member status, without the right to vote, on the Regional Council.
- (3) Any Regional Council member from a member city which has not paid its annual dues assessment by October 1 of the July 1-June 30

Fiscal Year, and who represents a District comprised of more than one city, shall relinquish his/her position on the Regional Council and the seat shall be declared vacant by the President. Such vacancies shall be filled through the District representative special election procedures set forth by the Regional Council.

- (2) **Terms of Office:** Membership on the Regional Council shall be for two (2) years upon election. Terms shall commence on adjournment of the annual meeting of the General Assembly, or in the case of those representatives elected pursuant to special elections to fill vacancies, for such time as will fill out the remainder of the vacated term. If a representative serving on the Regional Council ceases to be an elected official from a member city or county, his/her Regional Council seat shall be declared vacant by the President as of the time such representative ceases to be an elected official. Vacancies on the Regional Council shall be filled through the special election procedures as set forth by the Regional Council.

The terms of District representatives who represent even-numbered Districts shall be two years and shall expire in even-numbered years. Terms of District representatives who represent odd-numbered Districts shall be two years and shall expire in odd-numbered years.

- (3) **Meetings:** Unless otherwise determined by the Regional Council, it shall meet at least once a month. The date, time and location of the Regional Council meetings shall be recommended by the President and ratified by the Regional Council. Meetings shall be held upon the call of the President or upon the call of a majority of the members of the Regional Council. At least 24 hours written notice of all meetings shall be given to all Regional Council members by the Association's Secretary. Such written notice may be waived by any Regional Council member. The Regional Council may adopt any other rules for its own procedures. In the event a member of the Regional Council fails to attend (3) consecutive meetings of the Regional Council, the applicable county or cities comprising said member's District shall be notified of such member's failure to attend.

(4) **Duties**

- (a) Subject to the policy established by the General Assembly, the Regional Council shall conduct the affairs of the Association.
- (b) The Regional Council shall review and may amend the proposed annual budget as prepared by the Executive Director. Each proposed budget and the assessment schedule as approved by the Regional Council, shall be submitted to members of the General Assembly at least thirty (30) days before the annual meeting. After adoption of the annual budget assessment schedule by the General Assembly, the Regional Council shall control all Association expenditures in accordance with such budget

- (1) The Regional Council shall have the power to transfer funds within the total budget amount in order to meet unanticipated needs or changed situations. Such action shall be reported to the General Assembly at its next regular meeting.
- (2) At each annual meeting of the General Assembly, the Regional Council shall report on all budget and financial transactions since the previous annual meeting.
- (c) The Regional Council shall submit a full report of its activities at each regular meeting of the General Assembly.
- (d) The Regional Council shall have the authority to appoint, fix the salary of, ratify the performance evaluation of and remove an Executive Director of the Association, and shall have the authority to create and discontinue positions in the employ of the Association and fix salaries.
- (e) The Regional Council shall have the power to appoint committees to study specific problems, programs, and other matters which the Regional Council or General Assembly have approved for study.
- (f) Recommendations from committees for policy decisions shall be made to the Regional Council. The Regional Council shall have the authority to act upon policy recommendations including policy recommendations from the committees, or it may submit such recommendations, together with its comments, to the General Assembly for action.
- (g) The Regional Council shall be responsible for carrying out policy decisions made by the General Assembly.
- (5) **Voting:** In the Regional Council voting shall be conducted in the following manner:
  - (a) Only representatives of the membership as defined in Article V (A) (1) shall have the right to vote as a member of the Regional Council.
  - (b) One-third (1/3) of the members of the Regional Council shall constitute a quorum of the Regional Council.
  - (c) The affirmative votes of a majority of the Regional Council quorum are required for action by the Regional Council, except as set forth in subsections (d), (e) and (f) below.
  - (d) A County representative may request a “division of the house” vote if two thirds (2/3) of the county representatives are present. A District representative may request a “division of the house” vote if one-third of the District representatives are present. A “division of the house” vote, shall be tabulated separately for county representatives and for District

representatives and the affirmative votes of a majority of county representatives present and a majority of District representatives present shall be required for action by the Regional Council.

Pursuant to any “division of the house” vote any city which has more than one District representative may have its District representative(s) vote on behalf of any District representative(s) not in attendance so long as that city’s city council has previously taken an official action authorizing the express voting of the city’s position on the specified matter. Notwithstanding the above, any votes to be exercised pursuant to this subsection shall not be exercised prior to the holding of the next Regional Council meeting subsequent to the meeting at which the applicable “division of the house” vote has been called for. All authorizations for voting pursuant to this subsection shall be in writing and shall be made available to the Regional Council at the time of the subject vote.

- (e) In order to recommend the annual budget to the General Assembly, the affirmative vote of not less than a majority of the Regional Council membership is required.
- (f) In order to appoint or remove the Executive Director, the affirmative vote of not less than a majority of the Regional Council membership is required.
- (6) **Expenses:** Members of the Regional Council shall serve with compensation and shall be reimbursed for the actual necessary expenses incurred by them in the performance of their duties for the Association, to the extent that such compensation and reimbursement are not otherwise provided to them by another public agency. The Regional Council shall determine the amount of such compensation. Only elected public official members of the Policy Committees shall be compensated for attendance at the Policy Committee meetings.
- (7) **Administration Committee:** The Regional Council shall establish an Administration Committee for the purpose of developing policy recommendations to the Regional Council on administration, human resources, budgets, finance, operations, communications, or any other matter specifically referred by the Regional Council.
  - (a) The Administration Committee shall meet unless otherwise scheduled by the Chair of the Committee on the same day the Regional Council meets.
  - (b) Unless otherwise required by law, all recommendations from the Administration Committee shall be placed on the Regional Council agenda for consideration on the same day as action items.
  - (c) Membership on the Administration Committee shall consist of all **SCAG** Officers, Policy Committee Chairs and Vice Chairs, and an additional six (6) Regional Council members appointed by the President. In the event a



subregional organization is not represented on the Committee, the President shall appoint additional Regional Council members to ensure there is at least one (1) Regional Council member from each subregion.

- (d) The President shall appoint all members of the Administration Committee for a one (1) year term, which appointment shall expire upon the adjournment of the regular meeting of the General Assembly.
- (e) A quorum of the Administration Committee shall be one-third (1/3) of its members.

The Committee shall elect by a majority of members present the Chair and Vice Chair of the Administration Committee for a one (1) year term, which shall expire upon the adjournment of the regular meeting of the General Assembly. A person may serve as Chair for two consecutive full terms. If a vacancy occurs in the office of the Chair, the Vice-Chair shall serve as Chair for the unexpired term and a Vice-Chair shall be elected by the Committee to serve the unexpired term.

- (8) **Policy Committees:** The Regional Council shall establish as permanent committees the “Policy Committee on Transportation and Communications”, the “Policy Committee on Energy and Environment”, and the Policy Committee on “Community, Economic and Human Development.” for the purpose of developing recommendations to the Regional Council. Unless otherwise determined by the Regional Council, it shall consider recommendations from the Policy Committees at the Regional Council meeting in the following month.

- (a) The Policy Committees may:
  - (1) Include voting members which shall be Regional Council members: one (1) representative from the California Department of Transportation; and one (1) general purpose local government elected official representative from each of the subregional organizations recognized by action of the Regional Council as participants in the Regional Comprehensive Plan planning process and one (1) duly appointed board member, who is a general purpose local elected official, from an agency with which the Association has a statutory or Memorandum of Understanding relationship.
  - (2) Include ex-officio (non-voting) members which shall be representatives from regional and subregional single purpose public agencies and other members as approved by the Regional Council.
  - (3) Elect by a majority of the Committee present the Chair and Vice Chair for each of the Policy Committees for one (1) year terms, which shall expire upon the adjournment of the regular meeting of

the General Assembly. No person may serve as Chair for more than two consecutive full terms. If a vacancy occurs in the office of Chair, the Vice Chair shall serve as Chair for the unexpired term and a new Vice Chair shall be elected by a majority vote of the Committee present to fill the unexpired term.

- (4) To take action, shall require an affirmative vote of a majority of the members constituting a quorum. A quorum of a Policy Committee shall be one-third (1/3) of the voting members.
- (5) Shall meet on the same day that the Regional Council meets unless otherwise scheduled by the Chair of the Committee with the concurrence of a majority of a quorum of the Committee.

(b) **The President with regard to each Policy Committee shall:**

- (1) Appoint all Regional Council members to one of the Policy Committees for two (2) year terms. In making such appointments, the President shall consider regional representation.
- (2) Appoint to the Policy Committees members representing public agencies which have a statutory or Memorandum of Understanding relationship with SCAG. The members shall be appointed for two-(2) year terms based on a written request from the agency's governing board. Appointments shall be limited to one representative from each public agency. In making such appointments, the President shall consider regional representation.
- (3) Appoint ex-officio (non-voting) members upon the recommendation of the individual Policy Committee members to the Policy Committees representing the business sector, labor, community groups and other public interest groups
- (4) In addition to the appointments to the Policy Committees of subregional organization elected representatives provided for in Article V - A-8, the President shall appoint to the Policy Committees additional elected official representatives from each subregional organization which has at least four (4) Districts.
- (5) The determination of the total number of additional representatives from each subregional organization to appoint to the Policy committees shall be as follows: One (1) additional elected official representative for each District in excess of three (3) Districts shall be appointed by the President. The governing boards of each of the subregional organizations shall nominate the additional representatives provided for in this section (4) to be appointed to the Policy Committees. In making the appointments, the President shall consider, among other things, regional representation.

- (c) **Policy Committee on Transportation and Communications:** This committee shall:
  - (1) Study problems, programs and other matters, which pertain to the regional issues of mobility, air, transportation control measures and communications.
- (d) **Policy Committee on Energy and Environment:** This committee shall:
  - (1) Study problems, programs and other matters, which pertain to the regional issues of energy and the environment.
- (e) **Policy Committee on Community, Economic and Human Development:** This committee shall:
  - (1) Study problems, programs and other matters which pertain to the regional issues of community, economic and human development, housing and growth. This committee shall review projects, plans and programs of regional significance for consistency and conformity with applicable regional plans.
- (9) **Appointments:** The President is authorized to appoint members of the Regional Council to SCAG committees, ad hoc committees, subcommittees, or task forces to study specific problems, programs, or other matters which the Regional Council or General Assembly have approved for study, The President is also authorized to appoint Regional Council members to governing boards of other agencies, districts, commissions, and authorities as representatives of the Association. If no Regional Council members are available for such appointment, the President may appoint an elected official not on the Regional Council to represent the Association. Elected officials appointed to represent the Association who are not then members of the Regional Council shall be Ex-Officio members of the Regional Council without the right to vote. Terms of appointment of Regional Council members and other elected officials to governing boards of other agencies, districts, commissions, and authorities shall be consistent with the term of office of the appointing President.
- (10) Notwithstanding any other provision of these Bylaws to the contrary, the Regional Council shall include representatives from the region's County Transportation Commissions, ("CTC") and the Imperial Valley Association of Governments ("NAG").
  - (a) **Representation on the Regional Council:** In addition to the regular membership, the Regional Council shall include one (1) general purpose local government elected official representative, defined as either ~~an~~ elected city council member or member of a County Board of Supervisors, fi-om the governing boards of each of the five (5) CTCs, and one from the IVAG.

(b) **Appointment and Dues**

- (1) CTC and IVAG representatives to the Regional Council shall be appointed by their respective governing boards, and the appointments shall be formally communicated in writing to the President.
- (2) Any Regional Council member representing a CTC or the NAG which has not paid its annual dues assessment within three (3) months of the July 1-June 30 fiscal year shall be granted Ex-Officio status without the right to vote, on the Regional Council.

(c) **Terms of Office:** CTC, and NAG representatives to the Regional Council shall be appointed to two (2) year terms.

(d) **Voting**

- (1) Each official representative from the CTC, and the IVAG shall have the right to vote in the same manner as other members of the Regional Council.
- (2) Notwithstanding the provisions of (1) above, the representatives from the CTC and the IVAG shall not be entitled to request a "division of the house" vote, shall not be included in the tabulation of the number of county representatives required to request a "division of the house" vote and shall not be entitled to vote on a matter considered as a result of a "division of the house."

(e) **Officers:** Notwithstanding subsection (2) above, the representatives from the CTC, and IVAG shall not be eligible to be elected by the Regional Council as Officers of the Association

(f) **Policy Committees:** Regional Council members representing the CTC and the IVAG shall have the right to vote as members of the Policy Committees and may, if they are also a locally elected official be appointed Chair or Vice Chair of a Policy Committee.

(g) **Regional Council Membership Assessment for CTC and IVAG:** Each CTC and the IVAG shall pay a fixed annual Regional Council membership assessment based on total population, using the following assessment table:

<u>Total Population</u>	<u>Annual Assessment</u>
Up to 249,000	\$ 3,500
250,000-1,099,999	\$ 10,000
1,100,000-1,999,000	\$ 15,000
2,000,000-3,999,999	\$ 25,000

More than 4,000,000

\$35,000

(11) **Executive Committee**

- (a) **Membership:** The membership of the Executive Committee shall be comprised of the President, Vice President, Second Vice President and Immediate Past-President. The Executive Committee shall also include the Chair of the Administration Committee and the three Policy Committee Chairs.
- (b) **Meetings:** Executive Committee shall meet on the same day as the regularly scheduled meeting of the Regional Council unless otherwise determined by the President.
- (c) **Duties**
  - (1) Subject to the policy established by the General Assembly and Regional Council, and in the event that the Executive Committee determines by majority vote that there is a need to take immediate action prior to the next regular meeting of the Regional Council, the Executive Committee shall be authorized to make decisions and take actions that are binding upon the Association.
  - (2) In event that the Executive Committee meets on other than a regularly scheduled date, the President shall submit a full written report of the Executive Committee's activities and actions at the next regularly scheduled meeting of the Regional Council.
  - (3) Subject to the policies of the Regional Council, the Executive Committee shall be responsible for negotiating an annual Performance Agreement with the Executive Director. The Executive Director's Performance Agreement shall be effective the first day of July of the calendar year. The Executive Committee, subject to ratification of the Regional Council, shall be responsible for performing the annual evaluation of the Executive Director's performance of the prior year's agreed-upon Performance Agreement. The Executive Committee shall complete the Executive Director's annual Performance Evaluation not later than the regularly scheduled meeting of the June Regional Council meeting.
  - (4) The powers and duties of the Executive Committee shall include such other duties as the Regional Council may delegate.

- (d) **Voting**:: A quorum shall be five (5) members of the Executive Committee. The affirmative vote of the majority of the Executive Committee quorum is required for an action by the Executive committee.

#### **ARTICLE VI- OFFICERS, DUTIES, ELECTIONS AND VACANCIES**

- A. Officers of the Association shall consist of a President, a Vice President, a Second Vice President, and a Secretary-Treasurer. The Association's President, Vice President, and Second Vice President shall be elected annually by the Regional Council at its annual General Assembly meeting, from among its membership as set forth below. The Executive Director of the Association shall serve as the Secretary-Treasurer of the Association, but shall have no vote in the Association.
- B. Officers of the Association, except the Secretary-Treasurer, shall be elected from a list of candidates for each office which shall be prepared by a Nominating Committee composed of three (3) County representatives and three (3) District representatives appointed by the President. The recommended candidates for each office shall be submitted to the Regional Council by the Nominating committee at least one (1) month prior to the annual General Assembly meeting. New Officers shall take office on adjournment of that meeting. Except as otherwise provided in Section C, the office of the President shall alternate to have a county representative every third year following the completion of a county representative's term as President in 2002.
- C. A vacancy shall immediately occur in the office of the President, Vice President, or Second Vice President upon the resignation or death of the person holding such office, or upon ceasing to be the official representative of a member county or of a District. Upon the occurrence of a vacancy in the office of President, Vice President, or Second Vice President, a vacancy shall be filled for the balance of an unexpired term in order of succession by elevating the next remaining officer to such position, and the President shall call for a Special Election to fill the unexpired term of the office of Second Vice President. Such second Vice President shall be selected from a list of candidates which shall be prepared by a Nominating Committee structured in accordance with the provisions of Section B. The nominee selected for the office of second Vice President shall be submitted to the Regional Council by the Nominating Committee. The new second Vice President shall take office upon adjournment of that meeting. Notwithstanding anything to the contrary in Section B, the Vice President shall not be precluded from seeking election to the Presidency at the next regular annual meeting, if a vacancy in office is filled pursuant to this section. In the event the Vice President, succeeds to the office of President which succession does not comply with the County-City representative rotation set forth in Section B. then the Second Vice President position shall be rotated between City and County representation for the next 2 catch-up years at which time the regular rotation between City and County representatives shall be reinstated in accordance with the provisions of Section B. (Amended September 4,2003).
- D. The President of the Association shall be the presiding officer of the Regional Council and of the General Assembly. The Vice President shall act as the presiding officer in

his/her absence. The Second Vice President shall act as the presiding officer in the absence of both of the above officers.

- E. The Secretary-Treasurer shall maintain a record of all Association proceedings, maintain custody of all Association funds, and otherwise perform the usual duties of such office.

#### **ARTICLE VII- EXECUTIVE DIRECTOR**

The Executive Director shall be the chief administrative officer of the Association. The powers and duties of the Executive Director are:

- A. Subject to the authority of the General Assembly and the Regional Council, to administer the affairs of the Association.
- B. To appoint, direct and remove all employees of the Association.
- C. Annually to prepare and present a proposed budget to the Regional Council and to control the approved budget.
- D. To serve as Secretary-Treasurer of the Association.
- E. To attend the meetings of the General Assembly and the Regional Council.
- F. To perform such other duties as the General Assembly or the Regional Council may require.

#### **ARTICLE VIII- FINANCES**

##### **A. Fiscal Year**

The Fiscal year of the Association shall commence on July 1.

##### **E Budget Submission and Adoption**

The Association budget shall be submitted by the Executive Director to the Regional Council. The Regional Council shall adopt an Association budget at least 30 days prior the Annual Meeting. The Association budget and assessment schedule shall be adopted by the General Assembly at the Annual Meeting. Notwithstanding any provision of the agreement establishing the Association, any member that cannot pay its assessment therefore because of any applicable law or charter provision, or other lack of ability to appropriate or pay the same, may add such assessment to its assessment for the next full fiscal year. The budget for each year shall provide the necessary funds with which to obtain and maintain the requisite liability and worker's compensation insurance to fully protect each of the signatory parties hereto, and such insurance shall be so obtained and maintained.

## **Yearly Membership Assessment**

Each year, upon adoption of the annual budget, the General Assembly shall fix membership assessment for all members of the Association in amounts sufficient to provide the funds required by the budget and shall advise the legislative body of each member thereof on or before the first regularly scheduled Regional Council meeting in May 1 of such year. Absent any other decision regarding membership assessments by the General Assembly, the annual membership assessment will be adjusted by the most recent year to date change in the Consumer Price Index, with a minimum of one per cent (1%), for the Los Angeles Anaheim-Riverside Counties area. The Regional Council, for not more than one year at a time, may defer, waive, or reduce payment of the annual dues. In taking any of the actions above, the Regional Council shall adjust the General Fund Budget to provide a balanced General Fund Budget reflecting any of the above actions. Any action of the Regional Council deferring, waiving, or reducing the payment of the annual dues shall be reported at the following General Assembly meeting. The amount of each member's assessment shall be determined in accordance with the formula set out in Paragraph "D," following.

### **D. Methods of Assessment**

Each member county and each member city, based on its total population, shall pay, as part of its total annual assessment, the following fixed basic assessment:

<b>COUNTIES</b>		<b>CITIES</b>	
<b>Total Population</b>	<b>Base</b>	<b>Population</b>	<b>Base</b>
Up to 249,999	53,500	up to 9,999	\$ 100
250,000 - 1,099,999	10,000	10,000 - 24,999	250
1,100,000 - 1,999,999	15,000	25,000 - 99,999	500
2,000,000 - 3,999,999	25,000	100,000 - 499,000	750
4,000,000 up	35,000	500,000 - 999,999	1,000
		1,000,000 up	1,250

The remainder of the total annual assessment to be borne by the member counties shall be charged to and paid by said member counties in proportion that the population of unincorporated portions of each bear to the total regional population. The remainder of the total annual assessment to be borne by the member cities shall be charged to and paid by said member cities in the proportion that the population of each bears to the total regional population. The computation of the shares of said total annual assessments as above provided shall be based upon the respective populations of the counties and cities as determined by the State Controller in making the most recent allocation to cities and counties pursuant to the Motor Vehicle License Fee Law. If any county or city was not a member at the time the latest assessment was fixed and shall become a member of the Association thereafter, an assessment shall be payable by such county or city to the Association upon becoming a member in a sum based upon the current county or city per capita rate, as the case may be, prorated from the date of establishing membership until



the July 1 following the next annual meeting of the General Assembly after such date. Notwithstanding the previous provisions of this Section, no rebates or adjustments shall be made among the existing member counties and/or cities if such additional assessments shall be received from new members. Notwithstanding the previous provisions of this Section, no regular dues assessment of any county or city shall exceed twenty percent (20%) of the total assessment for any annual assessment period.

E. **Annual Audit**

The Regional Council shall cause an annual audit of the financial affairs of the Association to be made by a certified public accountant at the end of each fiscal year. The Regional Council shall employ a certified public account of its choosing. The audit report shall be made to Association member cities and counties.

F. **Indemnification for Tort Liability**

In contemplation of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement as defined in Section 895 of said code, the parties hereto as between themselves, pursuant to the authorization contained in Sections 895.4 and 895.6 of said code, will each assume the full liability imposed upon it, or any of its officers, agents or employees by law for injury caused by a negligent or wrongful act or omission occurring in the performance of this agreement to the same extent that such liability would be imposed in the absence of Section 895.2 of said code. To achieve the above stated purpose each party indemnifies and holds harmless the other party for any loss, cost or expense that may be imposed upon such other party solely by virtue of said Section 895.2. The rules set forth in Civil Code Section 2778 are hereby made a part of these Bylaws.

- G. Notwithstanding the provisions of Section 7 of said Joint Powers Agreement by which this Association is formed, no contract, employment, debt, liability or obligation of the Association shall be binding upon or obligate any member of this Association without the express written request or consent of such member and only to the extent so requested or consented to; nor shall the Association have the authority or the power to bind any member by contract, employment, debt, liability, or obligation made or incurred by it without the written request or consent of such member, and then only to such extent as so requested or consented to in writing.

**ARTICLE IX- STATUTORY AUTHORITY**

The Southern California Association of Governments shall be an agency established by a joint powers agreement among the members pursuant to Title 1, Division 7, Chapter 5, of the Government Code of the State of California and shall have the powers vested in the Association by State or Federal law, the joint powers agreement, or these bylaws. The Association shall not have the power of eminent domain, or the power to levy taxes.

## **ARTICLE X- VOLUNTARY WITHDRAWAL**

Any member city or county may, at any time, withdraw from the Association providing, however, that the intent to withdraw must be stated in the form of a resolution enacted by the legislative body of the jurisdiction wishing to withdraw. Such resolution of intent to withdraw from the Association must be given to the Executive Director by the withdrawing jurisdiction at least 30 days prior to the effective date of withdrawal.

## **ARTICLE XI- AMENDMENTS**

Amendments to these Bylaws may be proposed by an official representative or by the Regional Council. If proposed by an official representative, the amendment shall be submitted to the Regional Council at least 45 days prior to a regular meeting of the General Assembly. Each proposed amendment shall be considered by the Regional Council and a copy thereof, with the recommendations of the Regional Council and its reasons therefore, forwarded to the official representative of each member jurisdiction at least 30 days prior to the meeting at which such proposed amendment will be voted upon.

A majority vote of the county representatives present, and a majority vote of the city representatives present, are required to adopt an amendment to these Bylaws. If, within 60 days after the adoption of any amendment, one-third or more of the official representative protest such amendment by filing a written protest with the Executive Director, it should automatically be suspended until the next meeting of the General Assembly when it shall be taken **up** for consideration and vote as in the first instance.

Notwithstanding any provision of the agreement establishing the Association, Article V - A-4(b) and the Article VIII **A**, **B**, and **E** of said Bylaws shall not be changed except with the concurrence of the legislative body of each signatory party to said agreement which has not then withdrawn from the Association.

## **ARTICLE XII- EFFECTIVE DATE**

These Bylaws shall go into effect immediately upon the effective date of the agreement.

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Bylaws adopted by the Joint County-City SCAG Committee:

March 27, 1964

Bylaws amended by the SCAG General Assembly:

February 24, 1966

November 4, 1966

February 24, 1967

February 18, 1970

September 24, 1970

February 16, 1973

September 12, 1974

February 27, 1975

March, 8, 1977

October 6, 1977

March 3, 1978

October 6, 1978

March 16, 1979

October 2, 1980

April 29, 1982

April 26, 1984

January 29, 1987

March 21, 1989

March 22, 1990

April 21, 1991

February 27, 1992

March 12, 1993

March 4, 1994

March 3, 1995

July 3, 1996

October 9, 1997

April 16, 1998

September 3, 1998

April 8, 1999

April 6, 2000

May 1, 2003

September 4, 2003

May 6, 2004

1 PROOF OF SERVICE

2 I, Cynthia Pacheco, declare:

3 I am a citizen of the United States and employed in Los  
4 Angeles County, California. I am over the age of eighteen years  
5 and not a party to the within-entitled action. My business  
6 address is 865 South Figueroa Street, 29th Floor, Los Angeles,  
7 California 90017. On January 10, 2005, I served a copy of the  
8 within document(s):

9  
10 **Declaration of Patricia J. Chen in Support of**  
11 **Rebuttal Brief of Southern California**  
12 **Association of Governments, Sacramento Area**  
13 **Council of Governments, Association of Bay**  
14 **Area Governments, California Association of**  
15 **Councils of Governments, and San Diego**  
16 **Association of Governments**

17  
18 ☒ (By Federal Express) I placed the document(s) listed  
19 above in a sealed Federal Express envelope affixed with  
20 a pre-paid air bill, and caused the envelope to be  
21 delivered to a Federal Express agency for delivery as  
22 set forth below.

23  
24 Eric D. Feller, Esq.  
25 Commission State Mandates  
26 980 9th Street, #300  
27 Sacramento, CA 95814  
28 Eric.feller@csn.ca.gov

I declare under penalty of perjury under the laws of the  
State of California that the above is true and correct.

Executed on January 10, 2005, at Los Angeles, California.

25  
26   
Cynthia Pacheco